16AL-CC00140

Electronically Filed - Howell - December 12, 2016 - 01:30 PM

IN THE CIRCUIT COURT OF HOWELL COUNTY, MISSOURI
CIRCUIT DIVISION

AMBER ADAMSON,	)	
Plaintiff,	)	
	)	
vs.	)	Case No. ____________
	)	
LESTER C. COOK,	)	
Defendant.	)	

PETITION

COMES NOW the Plaintiff and for her cause of action against Defendant Lester Cook, states, alleges and avers as follows:

1. That this cause of action accrued in Howell County, Missouri.

2. That on June 7, 2016, Plaintiff was operating her 2016 Dodge Journey in a generally westerly direction on and along Thornbrough Street in the area and vicinity of the intersection with Washington Avenue in the City of West Plains, Missouri.

3. That the time and place aforementioned Defendant was operating a 1999 Chevrolet Venture Minivan in a generally northerly direction on and along Washington Avenue near the intersection with Thornbrough Street in West Plains, Missouri.

4. That the time and place aforementioned there was a stop sign in place for northbound traffic on Washington Avenue at the intersection with Thornbrough Street in West Plains, Missouri.

5. That at the time and place aforementioned Defendant failed to stop and ran the stop sign resulting in a collision with Plaintiff's vehicle.

DEFENDANT'S EXHIBIT A

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6. That Defendant was negligent in failing to exercise the highest degree of care as follows:

a. Defendant failed to keep a careful lookout;

b. Defendant failed to yield the right-of-way;

c. Defendant failed to stop in violation of the posted stop sign;

d. Defendant failed to yield in violation of the posted stop sign;

e. Defendant who was about to enter a through highway from an intersecting road failed to yield the right-of-way to Plaintiff's vehicle on the through highway or road which was so close as to constitute an immediate hazard to Plaintiff's vehicle on the through highway, street or road had the right-of-way in violation of §304.351 RSMo and/or;

f. Defendant knew or could have known that there was a reasonable likelihood of collision and time thereafter to have stopped but failed to do so.

7. That as a direct and proximate result of the negligence on the part of Defendant and the occurrence aforementioned Plaintiff sustained a head injury with loss of consciousness, with Post Concussion Syndrome, post traumatic migraine headaches, memory loss and traumatic brain injury, facial injuries, neck injuries, left arm and wrist injuries, left knee injuries, back injuries, hip injuries, expressive aphasia and traumatic myalgia, said injuries requiring Plaintiff to incur medical treatment and expenses in the past and in the future, said injuries interfering in the ability of Plaintiff to perform the

work activities she could perform but for the occurrence aforementioned, said injuries causing Plaintiff to incur a diminution in her earning capacity and lost earnings in the past and in the future, said injuries causing Plaintiff to be unable to perform the non-work activities she could perform but for the collision aforementioned, said injuries causing her physical and emotional limitations and disabilities and said injuries causing her pain and suffering in the past and in the future.

WHEREFORE, Plaintiff prays for damages against Defendant in a just and reasonable sum together with her costs herein incurred, and for such further relief and orders as the Court may deem just and proper.

HENRY & WILLIAMS, P.C.

/s/ H. Lynn Henry

H. Lynn Henry #23679
1207 Porter Wagoner Blvd.
P.O. Box 617
West Plains, MO 65775
417-256-8133 Phone
417-256-8969 Fax
ATTORNEYS FOR PLAINTIFF

Electronically Filed - Howell - December 12, 2016 - 01:30 PM

IN THE 37TH JUDICIAL CIRCUIT COURT, HOWELL COUNTY, MISSOURI

Judge or Division: DAVID PAUL EVANS	**Case Number: 16AL-CC00140**
Plaintiff/Petitioner: AMBER ADAMSON vs.	Plaintiff's/Petitioner's Attorney/Address HAROLD LYNN HENRY P O BOX 617 WEST PLAINS, MO 65775-0617
Defendant/Respondent: LESTER C COOK	Court Address: Howell County Courthouse PO BOX 967 WEST PLAINS, MO 65775
Nature of Suit: CC Pers Injury-Vehicular	

FILED

12/12/2016

CINDY WEEKS
Circuit Clerk, Howell County Mo

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: LESTER C COOK
Alias:

RR 1 BOX 125A
SUMMERSVILLE, MO 65571

COURT SEAL OF

HOWELL COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

December 12, 2016 — Date

/s/ Cindy Weeks — Circuit Clerk
By: Jane Pingleton, D.C.

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with ______________________ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

______________________ (name) ______________________ (title).

☐ other ______________________.

Served at ______________________ (address)

in ______________ (County/City of St. Louis), MO, on ______________ (date) at ______________ (time).

______________________ Printed Name of Sheriff or Server

______________________ Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on ______________________ (date).

(Seal)

My commission expires: ______________ Date ______________________ Notary Public

Sheriff's Fees

Summons	$________
Non Est	$________
Sheriff's Deputy Salary	
Supplemental Surcharge	$ 10.00
Mileage	$________ (_____ miles @ $._____ per mile)
Total	$________

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Electronically Filed - Howell - January 13, 2017 - 10:34 AM

IN THE CIRCUIT COURT OF HOWELL COUNTY, MISSOURI

AMBER ADAMSON, Plaintiff, vs. LESTER C. COOK Defendant.	)))))))	Case No.: 16AL-CC00140

ENTRY OF APPEARANCE

COMES NOW Dale L. Davis of the Law Firm of Dale L. Davis, and hereby enters his appearance on behalf of Defendant, Lester C. Cook.

LAW OFFICE OF DALE L. DAVIS

By /s/ Dale L. Davis

Dale L. Davis
Missouri Bar No. 28122
1111 S. Glenstone, Suite 2-200
P.O. Box 10286
Springfield, MO 65808-0286
Telephone (417) 863-0100
Telecopier (417) 863-6156
E-mail: dlalaw@sbcglobal.net

Electronically Filed - Howell - January 16, 2017 - 11:53 AM

IN THE CIRCUIT COURT OF HOWELL COUNTY, MISSOURI
CIRCUIT DIVISION

AMBER ADAMSON,	)
Plaintiff,	)
	)
vs.	) Case No. 16AL-CC00140
	)
LESTER C. COOK,	)
Defendant.	)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the following documents, to-wit:

1. Plaintiff's First Interrogatories to Defendant;
2. Plaintiff's First Request for Production of Documents to Defendant ;

was served upon the attorneys of record whose address is shown below via email and by depositing same in the mail, postage prepaid, on this 16th day of January, 2017.

HENRY & WILLIAMS, P.C.

/s/ H. Lynn Henry
H. Lynn Henry #23679
1207 Porter Wagoner Blvd.
P.O. Box 617
West Plains, MO 65775
417-256-8133 Phone
417-256-8969 Fax
ATTORNEYS FOR PLAINTIFF

Electronically Filed - Howell - January 16, 2017 - 11:53 AM

CERTIFICATE OF SERVICE

The undersigned certifies that a true and accurate copy of the foregoing was served upon the following via email and US Mail, postage prepaid, on this 16th day of January, 2017:

dlalaw@sbcglobal.net
Dale Davis
1111 S. Glenstone, Suite 2-200
PO Box 10286
Springfield, MO 65808

/s/ H. Lynn Henry
H. Lynn Henry

IN THE CIRCUIT COURT OF HOWELL COUNTY
STATE OF MISSOURI

AMBER ADAMSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 16AL-CC00140
	)	
LESTER COOK,	)	
	)	
Defendant.	)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the true and correct original of Defendant's Request for Admissions directed to plaintiff, along with a copy of this Certificate, were sent via United States Mail, postage prepaid, on the 10th day of February, 2017, addressed to the following: Mr. Lynn Henry, Law Offices of Henry & Williams, P.C., 1207 Porter Wagoner, P.O. Box 617, West Plains, MO 65775, *Attorney for Plaintiff*, along with an electronic copy of same, in Word format, to lynn@henrylawfirm.com.

EVANS & DIXON, L.L.C.

James E. Godfrey, Jr., #34388
Deborah A. Suter, #37737
Kerry B. Banahan, #68990
211 N. Broadway, Suite 2500
St. Louis, Missouri 63102
Telephone: (314) 621-7755
Facsimile: (314) 621-3136
jgodfrey@evans-dixon.com
dsuter@evans-dixon.com
kbanahan@evans-dixon.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of February, 2017, the foregoing instrument was electronically filed with the Clerk of the Court and served upon all counsel of record via means of the Notice of Electronic Filing pursuant to Court Operating Rule 27.01.

3572395

IN THE CIRCUIT COURT OF HOWELL COUNTY
STATE OF MISSOURI

AMBER ADAMSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 16AL-CC00140
	)	
LESTER COOK,	)	
	)	
Defendant.	)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the true and correct originals of Defendant's First Set of Interrogatories and Defendant's First Request for Production directed to plaintiff, along with a copy of this Certificate, were sent via United States Mail, postage prepaid, on the 10th day of February, 2017, addressed to the following: Mr. Lynn Henry, Law Offices of Henry & Williams, P.C., 1207 Porter Wagoner, P.O. Box 617, West Plains, MO 65775, *Attorney for Plaintiff*, along with an electronic copy of same, in Word format, to lynn@henrylawfirm.com.

EVANS & DIXON, L.L.C.

James E. Godfrey, Jr., #34388
Deborah A. Suter, #37737
Kerry B. Banahan, #68990
211 N. Broadway, Suite 2500
St. Louis, Missouri 63102
Telephone: (314) 621-7755
Facsimile: (314) 621-3136
jgodfrey@evans-dixon.com
dsuter@evans-dixon.com
kbanahan@evans-dixon.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of February, 2017, the foregoing instrument was electronically filed with the Clerk of the Court and served upon all counsel of record via means of the Notice of Electronic Filing pursuant to Court Operating Rule 27.01.

3572384

IN THE CIRCUIT COURT OF HOWELL COUNTY
STATE OF MISSOURI

AMBER ADAMSON, Plaintiff,	)	
vs.	)	Case No. 16AL-CC00140
LESTER COOK, Defendant.	)	**JURY TRIAL DEMANDED**

DEFENDANT'S ANSWER TO PLAINTIFF'S PETITION

COMES NOW Defendant, Lester Cook, (hereinafter referred to as "Cook"), by and through his undersigned counsel, and for his Answer to the Plaintiff's Petition, hereby states as follows:

1. Defendant Cook is without sufficient information to affirm or deny the allegation contained in paragraph 1 of plaintiff's Petition, therefore denies same.

2. Defendant Cook is without sufficient information to affirm or deny the allegation contained in paragraph 2 of plaintiff's Petition, therefore denies same.

3. Defendant Cook is without sufficient information to affirm or deny the allegation contained in paragraph 3 of plaintiff's Petition, therefore denies same.

4. Defendant Cook is without sufficient information to affirm or deny the allegation contained in paragraph 4 of plaintiff's Petition, therefore denies same.

5. Defendant Cook denies each and every allegation contained in paragraph 5 of plaintiff's Petition not herein expressly admitted.

6. Defendant Cook denies each and every allegation contained in paragraph 6 of plaintiff's Petition not herein expressly admitted, and all subparts thereto.

7. Defendant Cook denies each and every allegation contained in paragraph 7 of plaintiff's Petition not herein expressly admitted.

8. As and for Defendant Cook's first affirmative defense, Defendant Cook states that the plaintiff fails to state a cause of action for which relief can be granted.

9. As and for Defendant Cook's second affirmative defense, Defendant Cook states that the damages of the plaintiff, if any, were caused or contributed to by the plaintiff's own negligence, carelessness and recklessness insofar as the plaintiff failed to stop, failed to swerve, failed to sound a horn, failed to take any evasive action at or near a time when plaintiff knew an accident was occurring or about to occur, drove in an excessive speed, and failed to yield the right-of-way to a vehicle that was or had entered the intersection prior to plaintiff's vehicle, such that the damages of the plaintiff, if any, were caused or contributed to by the plaintiff's own negligence, carelessness and recklessness and, as such, any verdict or judgment rendered in favor of the plaintiff should be reduced by the plaintiff's own comparative fault.

WHEREFORE, having fully answered the Petition of the plaintiff, Defendant Cook respectfully requests that this Court enter its Order dismissing the Petition of the plaintiff, with costs herein expended, and for any other further relief this Court deems proper and just.

EVANS & DIXON, L.L.C.

James E. Godfrey, Jr., #34388
Deborah A. Suter, #37737
Kerry B. Banahan, #68990
211 N. Broadway, Suite 2500
St. Louis, Missouri 63102
Telephone: (314) 621-7755
Facsimile: (314) 621-3136

jgodfrey@evans-dixon.com
dsuter@evans-dixon.com
kbanahan@evans-dixon.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of February, 2017, the foregoing instrument was electronically filed with the Clerk of the Court and served upon all counsel of record via means of the Notice of Electronic Filing pursuant to Court Operating Rule 27.01.

3571970

IN THE CIRCUIT COURT OF HOWELL COUNTY
STATE OF MISSOURI

AMBER ADAMSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 16AL-CC00140
	)	
LESTER COOK,	)	**JURY TRIAL DEMANDED**
	)	
Defendant.	)	

ENTRY OF APPEARANCE

COME NOW James E. Godfrey, Jr., Deborah A. Suter, Kerry B. Banahan and the law firm of Evans & Dixon, L.L.C. and enter their appearance as counsel on behalf of Defendant, Lester Cook in regard to the above-referenced matter. Please direct all future mailings to the above-referenced attorneys at the address below.

EVANS & DIXON, L.L.C.

James E. Godfrey, Jr., #34388
Deborah A. Suter, #37737
Kerry B. Banahan, #68990
211 N. Broadway, Suite 2500
St. Louis, Missouri 63102
Telephone: (314) 621-7755
Facsimile: (314) 621-3136
jgodfrey@evans-dixon.com
dsuter@evans-dixon.com
kbanahan@evans-dixon.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of February, 2017, the foregoing instrument was electronically filed with the Clerk of the Court and served upon all counsel of record via means of the Notice of Electronic Filing pursuant to Court Operating Rule 27.01.

3570875

IN THE CIRCUIT COURT OF HOWELL COUNTY, MISSOURI

AMBER ADAMSON,)
Plaintiff,)
)
vs.) Case No.: 16AL-CC00140
)
LESTER C. COOK)
Defendant.)

MOTION FOR LEAVE TO WITHDRAW

COMES NOW Dale L. Davis of the Law Firm of Dale L. Davis and moves the Court for leave to withdraw as counsel for Defendant in this cause.

Defendant has obtained new counsel who has entered an appearance in this cause for representation of Defendant.

LAW OFFICE OF DALE L. DAVIS

By /s/ Dale L. Davis
Dale L. Davis
Missouri Bar No. 28122
1111 S. Glenstone, Suite 2-200
P.O. Box 10286
Springfield, MO 65808-0286
Telephone (417) 863-0100
Telecopier (417) 863-6156
E-mail: dlalaw@sbcglobal.net

NOTICE

Please take notice that counsel's Motion for Leave to Withdraw will be presented to the Court on Monday, March 20, 2017 at 1:00 PM or as soon thereafter as counsel can be heard.

/s/ Dale L. Davis
Dale L. Davis

IN THE CIRCUIT COURT OF HOWELL COUNTY, MISSOURI
DIVISION I

FILED
FEB 15 2017
CINDY WEEKS
Circuit Clerk, Howell County MO

AMBER ADAMSON, Plaintiff,	)	
vs.	)	Case No. 16AL-CC00140
LESTER C. COOK, Defendant.	)	

ORDER

Attorney Dale Davis's request to withdraw is sustained.

So ordered this 15th day of February 2017:

DAVID P. EVANS
Circuit Judge, 37th Judicial Circuit

Electronically Filed - Howell - March 13, 2017 - 12:29 PM

IN THE CIRCUIT COURT OF HOWELL COUNTY, MISSOURI
CIRCUIT DIVISION

AMBER ADAMSON, Plaintiff,	)))
vs.	) Case No. 16AL-CC00140)
LESTER C. COOK, Defendant.	)))

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the following documents, to-wit:

1. Plaintiff's Responses to Defendant's Request for Admissions;
2. Plaintiff's Answers to Defendant's First Set of Interrogatories;
3. Plaintiff's Responses to Defendant's First Request for Production by

depositing same in the mail, postage prepaid, on this 13th day of March, 2017.

HENRY & WILLIAMS, P.C.

/s/ H. Lynn Henry

H. Lynn Henry #23679
1207 Porter Wagoner Blvd.
P.O. Box 617
West Plains, MO 65775
417-256-8133 Phone
417-256-8969 Fax
ATTORNEYS FOR PLAINTIFF

Electronically Filed - Howell - March 13, 2017 - 12:29 PM

CERTIFICATE OF SERVICE

The undersigned certifies that a true and accurate copy of the foregoing was served upon the following via US Mail, postage prepaid, on this 13th day of March, 2017:

Jim Godfrey
Deborah Suter
Evans & Dixon
211 N. Broadway, Suite 2500
Str. Louis, MO 63102

*/s/ H. Lynn Henry*________
H. Lynn Henry